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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			HASHEM, LISA	
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			2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,229

Applicant(s)

FORBES, LEONARD

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 54-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-9, 12, 13, and 54 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application No. US 2001/0049262 by Lehtonen.

Regarding claim 1, Lehtonen discloses a portable wireless memory module (Fig. 3, 21) for storing data, said module comprising (see Fig. 3, 21): a transmitter/receiver circuit (Fig. 3, BT2) for (i) wirelessly receiving data and commands communicated to said module from a processing system (Fig. 3, 21) and (ii) wirelessly transmitting stored data from said module (Fig. 3: 21); at least one memory device or memory card for storing said data received by and sent from said transmitter/receiver circuit; and a controller (Fig. 3: MCU) in communication with said at least one memory device and said transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for retrieving stored data from said memory device for transmission by said transmitter/receiver circuit from said module (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0030, line 1 - section 0031, line 13).

Regarding claim 2, a memory module according to claim 1, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0014, lines 8-11; section 0027, lines 5-9; section 0031, line 1 – section 0032, line 4).

Regarding claim 3, a memory module according to claim 2, wherein Lehtonen further discloses a frequency of said radio waves is in the range of about 900 MHz to about 10 GHz (section 0032, lines 1-4).

Regarding claim 4, a memory module according to claim 2, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0032, lines 1-4).

Regarding claim 5, a memory module according to claim 2, wherein Lehtonen further discloses said transmitter/receiver automatically establishes a radio wave communications path when in a vicinity of another transmitter/receiver (Fig. 3: 22, BT), which transmits data to or receives data from said module (section 0031, line 6 – section 0032, line 7; section 0040, lines 1-9).

Regarding claim 6, a memory module according to claim 3, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0032, lines 1-4).

Regarding claim 8, a memory module according to claim 1, wherein Lehtonen further discloses a self-contained electrical power supply unit at said module for providing operating power to electrical components at said module (section 0019, lines 3-8; section 0032, lines 7-9).

Regarding claim 9, a memory module according to claim 8, wherein Lehtonen further discloses said power supply unit comprises at least one battery (section 0019, lines 3-8; section 0032, lines 7-9).

Regarding claim 12, a memory module according to claim 1, wherein Lehtonen further discloses said memory device inherently comprises a dynamic random access memory device or memory card (page 1, section 0014, lines 1-8).

Regarding claim 13, a memory module according to claim 1, wherein Lehtonen further discloses said memory device inherently comprises a flash memory or fixed memory device (section 0014, lines 1-8).

Regarding claim 54, a memory module according to claim 1, wherein Lehtonen further discloses said data comprises data files (section 0016, lines 1-14; section 0019, lines 16-19; section 0031, lines 5-6).

3. Claims 22-28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lehtonen.

Regarding claim 22, Lehtonen discloses a system for the wireless transfer of data (see Abstract; Fig. 3), said wireless data transfer system comprising: (a) a first processor system or headset (Fig. 3, 21) comprising: at least one first processor system memory device (Fig. 3, 21: MEMORY); a first processor system transmitter/receiver circuit for (i) wirelessly receiving data communicated to said first processor system (Fig. 3, 21: BT2) and (ii) wirelessly transmitting data and commands from said first processor system (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0031, line 1 – section 0032, line 4); and a first processor system controller (Fig. 3, 21: MCU) in communication with said at least one first processor system memory device and said first processor system transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for retrieving data from said memory device for transmission by said transmitter/receiver from said first

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processor system (section 0030, lines 1-6); and (b) a portable memory module or mobile telephone (Fig. 3, 22) comprising: at least one memory module memory device for storing data (Fig. 3, 22: MEM); a memory module transmitter/receiver circuit (Fig. 3, 22: BT) for (i) wirelessly receiving data to be stored and commands communicated to said module from said first processor system and (ii) wirelessly transmitting stored data from said module; and a memory module controller (Fig. 3, 22: MPU) in communication with said at least one memory module memory device and said memory module transmitter/receiver circuit for storing data in said portable memory module memory device received by said portable memory module transmitter/receiver circuit and retrieving stored data from said portable memory module memory device for transmission by said portable memory module transmitter/receiver circuit from said module (section 0027, lines 1-9; section 0035, lines 1-10).

Regarding claim 23, a system for the portable transfer of data according to claim 22, wherein Lehtonen further discloses said portable data transfer system further comprising: a second processor system or base station inherently comprising: at least one second processor system memory device; a second processor system transmitter/receiver circuit for (i) wirelessly receiving data communicated to said second processor system and (ii) wirelessly transmitting data from said second processor system; and a second processor system controller in communication with said at least one second processor system memory device and said second processor system transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for returning data from said memory device for transmission by said transmitter/receiver circuit from said second processor system (section 0035, lines 10-14; section 0040, lines 1-9; section 0045, lines 4-19).

Regarding claim 24, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0027, lines 1-9).

Regarding claim 25, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said radio waves have a frequency in the range of about 900 MHz to about 10 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 26, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 27, a system for the portable transfer of data according to claim 22, wherein Lehtonen further discloses said first processor system transmitter/receiver, said memory module transmitter/receiver, and said second processor system transmitter/receiver automatically establish a radio wave communications path when in a vicinity of another transmitter/receiver which transmits or receives data (section 0027, lines 1-9; section 0035, lines 1-23; page 4, section 0045, lines 4-19).

Regarding claim 28, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

4. Claims 36-42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lehtonen.

Regarding claim 36, Lehtonen discloses a method of wireless data transfer (see Abstract),

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said method comprising: wirelessly transmitting data from a first processor system or headset (Fig. 3, 21), to a portable memory module or mobile telephone (Fig. 3, 22); receiving with said portable memory module said data transmitted from the first processor system and storing said received data at said memory module (Fig. 3, 22: MEM); and wirelessly transmitting stored data from said portable memory module to said first processor system or a second processor system or base station (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0027, lines 1-9; section 0031, line 1 – section 0032, line 4; section 0035, lines 1-23; section 0045, lines 4-19).

Regarding claim 37, a method according to claim 36, wherein Lehtonen further discloses wirelessly transmitting said stored data from said portable memory module comprises wirelessly transmitting said data to said second processor system (section 0035, lines 1-23).

Regarding claim 38, a method according to claim 36, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0031, line 1 – section 0032, line 4; section 0035, lines 1-14).

Regarding claim 39, a method according to claim 38, wherein Lehtonen further discloses said radio waves have a frequency in the range of about 900 MHz to about 10 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 40, a method according to claim 38, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 41, a method according to claim 36, wherein Lehtonen further discloses automatically establishing a radio wave communications path between said portable memory

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module and said first processor system when said portable memory module and said first processor system are within a sufficiently close vicinity of one another to establish a wireless communications path (section 0031, line 1 – section 0032, line 4).

Regarding claim 42, a method according to claim 36, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

5. Claims 55-60 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Janik.

Regarding claim 55, Janik discloses a wireless portable memory module system (see Fig. 8) comprising: a recharger or cradle with battery charger (Fig. 1, 54; Fig. 8, 56) for detachably receiving and recharging thereat a portable memory module (wireless LAN adapter module (Fig. 2, 14) attached to a PDA (Fig. 2, 2)) having a rechargeable power supply (section 0043, lines 1-7); and said portable memory module or wireless LAN adapter module (Fig. 2, 14) comprising: a memory device for storing data (Fig. 8: 106, 114); a transmitter/receiver or wireless LAN transceiver (Fig. 8, 78) for wirelessly exchanging data with a processor system (for example, a PC) (section 0006, lines 1-5; section 0041, lines 1-10); a controller or microprocessor (Fig. 8, 90) coupled to said transmitter/receiver for receiving data and storing said received data in said memory device and for retrieving stored data from said memory device for transmitting said stored data from said memory module (section 0027, lines 1-6; section 0038, lines 1-4; section 0041, lines 1-10); and a rechargeable power supply (Fig. 8, 86) (section 0043, lines 1-7).

Regarding claim 56, the system of claim 55, wherein Janik further discloses said recharger is a stand-alone recharging station (Fig. 1, 54).

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Regarding claim 57, the system of claim 55, wherein Janik further discloses said recharger is part of a processing system (for example, a PC) having a processor (section 0006, lines 1-5).

Regarding claim 58, the system of claim 55, wherein Janik further discloses said rechargeable power supply is a battery (Fig. 8, 86) (section 0043, lines 1-7) and said recharger is a battery charger (Fig. 1, 54; Fig. 8, 56) (section 0043, lines 1-7).

Regarding claim 59, the system of claim 55, wherein Janik further discloses the recharger comprises a plug or PDA docking cradle serial port (Fig. 1, 58) for receiving and connecting to said portable memory module (section 0031, lines 6-8).

Regarding claim 60, the system of claim 59, wherein said portable memory module further comprises at least one terminal (Fig. 8, 138) at said rechargeable power supply for connection (section 0044, lines 1-12) with said plug.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen as applied to claim 1 above, and in further view of U.S. Patent No. 6,259,405 by Stewart et al, hereinafter Stewart.

Regarding claim 7, a memory module according to claim 1, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0014, lines 8-11; section 0027, lines 5-9).

Lehtonen does not disclose said wireless transmission and reception uses light waves.

Stewart discloses a portable computing device or PCD (see Abstract; Fig. 1A, 110A) inherently comprising: at least one memory device; a transmitter/receiver circuit for (i) wirelessly receiving data communicated to said module and (ii) wirelessly transmitting data from said module; and a controller in communication with said at least one memory device and said transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for returning data from said memory device for transmission by said transmitter/receiver circuit from said module (col. 11, lines 9-20).

Stewart further discloses said wireless transmission and reception inherently uses light waves (col. 6, lines 39-49; col. 8, lines 33-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the memory module of Lehtonen to include a wireless transmission and reception uses light waves as taught by Stewart to provide wireless communication accomplished through infrared. One of ordinary skill in the art would have been lead to make such a modification since infrared communication technologies allow remote wireless communication.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen as applied to claim 1 above, and in further view of Janik.

Regarding claims 10 and 11, a memory module according to claim 9, wherein Lehtonen does not disclose said at least one battery is rechargeable and a recharger.

Janik discloses a wireless portable memory module system (see Fig. 8) comprising: a recharger or cradle with battery charger (Fig. 1, 54; Fig. 8, 56) for detachably receiving and recharging thereat a portable memory module (wireless LAN adapter module (Fig. 2, 14) attached to a PDA (Fig. 2, 2)) having a rechargeable power supply unit (Fig. 8, 86) (section 0043, lines 1-7); and said portable memory module or wireless LAN adapter module (Fig. 2, 14) comprising: a memory device for storing data (Fig. 8: 106, 114); a transmitter/receiver or wireless LAN transceiver (Fig. 8, 78) for wirelessly exchanging data with a processor system (for example, a PC) (section 0006, lines 1-5; section 0041, lines 1-10); a controller or microprocessor (Fig. 8, 90) coupled to said transmitter/receiver for receiving data and storing said received data in said memory device and for retrieving stored data from said memory device for transmitting said stored data from said memory module (section 0027, lines 1-6; section 0038, lines 1-4; section 0041, lines 1-10); and a rechargeable power supply unit (Fig. 8, 86) (section 0043, lines 1-7).

Said portable memory module comprises at least one battery that is rechargeable (Fig. 8, 86) and further comprises terminals (Fig. 1, 138) for communicating with a recharger (Fig. 1, 54) for recharging said at least one rechargeable battery (section 0043, line 1 - section 0044, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the memory module of Lehtonen to include a rechargeable battery and recharger as taught by Janik. One of ordinary skill in the art would have been lead to make such a modification since the portable wireless memory module can be docked for recharging by the processor system comprising a recharger.

9. Claims 14-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen in view of Janik.

Regarding claim 14, Lehtonen discloses a processor system or mobile station (Fig. 3, 22) for communicating with a portable wireless module or headset (Fig. 3, 21) (see Abstract), said processor system comprising: at least one memory device (Fig. 3: 22, MEM); and a transmitter/receiver circuit for (i) wirelessly receiving data communicated to said processor system from said portable memory module and (ii) wirelessly transmitting data and commands from said processor system to said portable memory module (Fig. 3: 22, BT) (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0027, lines 1-9; section 0031, lines 1-13).

Lehtonen does not disclose a recharger.

Janik discloses a processor system or PC (section 0006, lines 1-5) for communicating with a portable wireless module or (wireless LAN adapter module (Fig. 2, 14) attached to a PDA (Fig. 2, 2)), said processor system comprising: a recharger or cradle with battery charger (Fig. 1,

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54; Fig. 8, 56) for detachably receiving and recharging thereat a portable memory module (wireless LAN adapter module (Fig. 2, 14) attached to a PDA (Fig. 2, 2)) having a rechargeable power supply (section 0043, lines 1-7); and said recharger is part of a processing system (for example, a PC) having a processor (section 0006, lines 1-5; section 0041, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the processor system of Lehtonen to include a recharger as taught by Janik. One of ordinary skill in the art would have been lead to make such a modification since the portable memory module can be docked for recharging by the processor system comprising a recharger.

Regarding claim 15, a processor system according to claim 14, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0027, lines 5-9; section 0035, lines 1-6).

Regarding claim 16, a processor system according to claim 15, wherein Lehtonen further discloses a frequency of said radio waves is in the range of about 900 MHz to about 10 GHz (section 0035, lines 19-22).

Regarding claim 17, a processor system according to claim 15, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0035, lines 1-6).

Regarding claim 18, a processor system according to claim 15, wherein Lehtonen further discloses said transmitter/receiver automatically establishes a radio wave with the portable memory module when within a vicinity of the portable memory module which is sufficient to establish a wireless communications path (section 0035, lines 1-6; section 0040, lines 1-9).

Regarding claim 19, a processor system according to claim 16, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0035, lines 19-22).

Regarding claim 21, a processor system according to claim 14, wherein Janik further discloses the rechargeable power supply (Fig. 8, 86) of said module comprises a battery (section 0043, lines 1-7).

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen in view of Janik as applied to claim 14 above, and in further view of Stewart.

Regarding claim 20, a processor system according to claim 14, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (page 2, section 0027, lines 5-9; page 3, section 0035, lines 1-6).

Lehtonen in view of Janik do not disclose said wireless transmission and reception uses light waves.

Stewart discloses a processor system or wireless access point in a geographic based communications service system (see Abstract; Fig. 1A, 120) for communicating with a portable computing device or PCD (Fig. 1A, 110A), said wireless access point inherently comprising: at least one memory device; a transmitter/receiver circuit for (i) wirelessly receiving data communicated to said system and (ii) wirelessly transmitting data from said system; and a controller in communication with said at least one memory device and said transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for returning data from said memory device for transmission by said transmitter/receiver circuit from said system (col. 7, line 51 – col. 8, line 47).

Stewart further discloses said wireless transmission and reception inherently uses light waves (col. 6, lines 39-49; col. 8, lines 33-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the processor system of Lehtonen in view of Janik to include a wireless transmission and reception uses light waves as taught by Stewart to provide wireless communication accomplished through infrared. One of ordinary skill in the art would have been lead to make such a modification since infrared communication technologies allow remote wireless communication between the portable memory module and the processor system.

11. Claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen as applied to claim 22 above, and in further view of Janik.

Regarding claim 29, a system for the wireless transfer of data according to claim 25, wherein Lehtonen does not disclose said memory module (mobile telephone) comprises a power supply unit.

Janik discloses a wireless portable memory module system (see Fig. 8) comprising: a recharger or cradle with battery charger (Fig. 1, 54; Fig. 8, 56) for detachably receiving and recharging thereat a portable memory module (wireless LAN adapter module (Fig. 2, 14) attached to a PDA (Fig. 2, 2)) having a rechargeable power supply unit (Fig. 8, 86) (section 0043, lines 1-7); and said portable memory module or wireless LAN adapter module (Fig. 2, 14) comprising: a memory device for storing data (Fig. 8: 106, 114); a transmitter/receiver or wireless LAN transceiver (Fig. 8, 78) for wirelessly exchanging data with a processor system (for example, a PC) (section 0006, lines 1-5; section 0041, lines 1-10); a controller or microprocessor (Fig. 8, 90) coupled to said transmitter/receiver for receiving data and storing

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said received data in said memory device and for retrieving stored data from said memory device for transmitting said stored data from said memory module (section 0027, lines 1-6; section 0038, lines 1-4; section 0041, lines 1-10); and a rechargeable power supply unit (Fig. 8, 86) (section 0043, lines 1-7).

Janik further discloses said memory module further comprising a self-contained electrical power supply unit or battery (Fig. 8, 86) at said module for providing operating power to electrical components at said module (section 0043, line 1 – section 0044, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lehtonen to include a power supply unit as taught by Janik. One of ordinary skill in the art would have been lead to make such a modification since the memory module comprises a battery that provides operating power to the memory module.

Regarding claim 30, a system for the wireless transfer of data according to claim 29, wherein Janik further discloses said power supply unit comprises at least one battery (Fig. 8, 86)

Regarding claim 31, a system for the wireless transfer of data according to claim 30, wherein Janik further discloses said at least one battery is rechargeable (section 0043, line 1 – section 0044, line 12).

Regarding claim 32, a system for the wireless transfer of data according to claim 31, wherein Janik further discloses said power supply unit further comprising terminals (Fig. 1, 138) for communicating with a recharger (Fig. 1, 54) for recharging said at least one rechargeable battery (section 0043, line 1 - section 0044, line 12).

Regarding claim 33, a system for the wireless transfer of data according to claim 32, wherein Janik further discloses said recharger is a stand-alone recharger (Fig. 1, 54).

Regarding claim 34, a system for the wireless transfer of data according to claim 32, wherein Janik further discloses said first processor system (for example, a PC) comprises said recharger (section 0006, lines 1-5).

12. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen as applied to claim 22 above, and in further view of Stewart.

Regarding claim 35, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0027, lines 5-9; section 0031, line 1 – section 0032, line 4; section 0035, lines 1-23).

Lehtonen does not disclose said wireless transmission and reception uses light waves.

Stewart discloses a processor system or wireless access point in a geographic based communications service system (see Abstract; Fig. 1A, 120) for communicating with a portable computing device or PCD (Fig. 1A, 110A), said wireless access point inherently comprising: at least one memory device; a transmitter/receiver circuit for (i) wirelessly receiving data communicated to said system and (ii) wirelessly transmitting data from said system; and a controller in communication with said at least one memory device and said transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for returning data from said memory device for transmission by said transmitter/receiver circuit from said system (col. 7, line 51 – col. 8, line 47).

Stewart further discloses said wireless transmission and reception inherently uses light waves (col. 6, lines 39-49; col. 8, lines 33-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lehtonen to include a wireless transmission and reception uses light waves as taught by Stewart to provide wireless communication accomplished through infrared. One of ordinary skill in the art would have been lead to make such a modification since infrared communication technologies allow remote wireless communication between the portable memory module and the first processor system.

13. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen as applied to claim 36 above, and in further view of Stewart.

Regarding claim 43, a method according to claim 36, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0027, lines 5-9; section 0031, line 1 – section 0032, line 4; section 0035, lines 1-23).

Lehtonen does not disclose said wireless transmission and reception uses light waves.

Stewart discloses a portable computing device or PCD (see Abstract; Fig. 1A, 110A) inherently comprising: at least one memory device; a transmitter/receiver circuit for (i) wirelessly receiving data communicated to said module and (ii) wirelessly transmitting data from said module; and a controller in communication with said at least one memory device and said transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for returning data from said memory device for transmission by said transmitter/receiver circuit from said module (col. 11, lines 9-20).

Stewart further discloses said wireless transmission and reception inherently uses light waves (col. 6, lines 39-49; col. 8, lines 33-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Lehtonen to include a wireless transmission and reception uses light waves as taught by Stewart to provide wireless communication accomplished through infrared. One of ordinary skill in the art would have been lead to make such a modification since infrared communication technologies allow remote wireless communication between the portable memory module and the first processor system or the second processor system.

Response to Arguments

14. In regards to the Amendment filed on 11-10-2004, hereinafter Amendment, Examiner acknowledges the cancellation of claims 44-53 and all 35 U.S.C. 112 rejections not mentioned below are withdrawn by the Examiner.

15. Regarding the Amendment, Applicant argues Lehtonen does not teach the following: a headset having a transmitter circuit, a processing system for wirelessly transmitting data to and receiving data from a portable memory module, a processing system with a recharger, and a portable memory module in wireless communication with a processor system.

A processing system is a device that can wirelessly communicate with a portable memory module (specification of the claimed invention: section 0027; section 0033). The portable memory module is a device that includes memory that stores data that can be received, transmitted, or stored (specification of claimed invention: section 0008; section 0012) .

Examiner disagrees with Applicant. Lehtonen clearly discloses a headset (Fig. 3, 21) having a transmitter circuit, wherein BT2 in Fig. 3 clearly discloses a Bluetooth transceiver that wirelessly transmits data and receives data (section 0027, lines 1-9; section 0031, line 1 – section

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0032, line 4). Wherein the headset is a portable memory module in claims 1 and 14. In claims 22 and 36, the headset is the first processing system.

In claims 1 and 14, Lehtonen discloses the processing system is the mobile telephone (Fig. 3, 22). The mobile telephone has a Bluetooth transceiver, BT in Fig. 3, which wirelessly transmits data to and receives data from a portable memory module (section 0027, lines 1-9; section 0031, line 1 – section 0032, line 4). In claims 22 and 36, the first processing system is the headset, the portable memory module is the mobile telephone, and the second processing system is a base station (section 0035, lines 1-23). Wherein, the mobile telephone can receive, store, and transmit data to the first processing system or the second processing system (section 0045, lines 4-19).

Lehtonen in view of Janik discloses a processing system with a recharger in claims 10, 11, 14, 21, and 29-34. Wherein in Janik discloses a portable memory module or PDA with a wireless LAN adapter module (see Fig. 8) including a battery that can be docked in a cradle to be recharged by a recharger (see Figs. 1 and 8; section 0043, line 1 – section 0044, line 12). One of ordinary skill in the art would combine Lehtonen in view of Janik to include a recharger to recharge a battery in a portable memory module.

In claims 1 and 14, Lehtonen discloses the portable memory module or headset in communication with a processing system or the mobile telephone. In claims 22 and 36, the mobile telephone is the portable memory module and the processing system is the mobile telephone. Both the mobile telephone and headset have memory that stores data and include a Bluetooth transceiver to wirelessly transmit and receive data.

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Claims 55-60 are newly added claims that are rejected by Janik. Please see all rejections above, wherein Janik clearly discloses a wireless portable memory module with a battery that can be recharged.

16. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection. Please see all rejections above.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

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Or call:

(571) 272-2600 (for customer service assistance)

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

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April 21, 2005


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SUPERVISORY PATENT EXAMINER
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